

THURSDAY, MARCH 19, 1992

SEVENTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Junious McTizic, Zion Temple No. 2, Grand Junction, Tennessee.

Representative Walley led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Dixon; to attend a Legislative Conference in Hilton Head, South Carolina.

Representative Pruitt; to attend a Legislative Conference in Hilton Head, South Carolina.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 97

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas, Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 97.

REPORT OF COMMITTEE ON CALENDAR AND RULES  
March 19, 1992

MR. SPEAKER: Your Calendar and Rules Committee reports that we have met and set the following bills on the **Regular Calendar** for **Monday, March 23, 1992**: House Bill(s) No(s). 2657, 2528, 2581, 2177, 2467, 1859, 2734, 2735 and 1933.

We have also set the following bills on the **Regular Calendar** for **Wednesday, March 25, 1992**: House Bill(s) No(s). 2366, 2612, 2322, 2324, 2356, 2417, 2418 and 2549.

We further report that we have met and set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **Monday, March 23, 1992**: House Bill(s) No(s). 1999, 2538, 2539 and 2606; House Resolution(s) No(s). 151; also, House Joint Resolution(s) No(s). 529.

PHILLIPS, Chair.

**RULES SUSPENDED**

Rep. Buck moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 582 out of order, which motion prevailed.

**House Joint Resolution No. 0582** -- Memorials, Sports -- DeKalb Middle School boys' basketball team. by \*Buck.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Buck, the resolution was adopted.

A motion to reconsider was tabled.

**RULES SUSPENDED**

Rep. Buck moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 583 out of order, which motion prevailed.

**House Joint Resolution No. 0583** -- Memorials, Sports -- Coach Mike Braswell. by \*Buck.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Buck, the resolution was adopted.

A motion to reconsider was tabled.

REGULAR CALENDAR

**House Bill No. 1422** -- Driver Licenses -- Suspends driver licenses for convictions involving controlled substances. Amends TCA, Title 55, Ch. 10.

Further consideration of House Bill No. 1422, previously considered on March 16, 1992, at which time a motion was made to adopt Amendment No. 1 and Amendment No. 1 to Amendment No. 1; then the bill was reset to the Calendar for March 19, 1992.

Rep. Buck renewed the motion to adopt Amendment No. 1 to Amendment No. 1.

**Amendment No. 1 to Amendment No. 1**

AMEND House Bill No. 1422 by deleting from the amendatory language of Section 1 the number "9" and substituting instead the number "10".

FURTHER AMEND by adding the following new section 10 and by renumbering subsequent sections accordingly:

SECTION 10. If a person's driving privileges have been denied pursuant to this part, when such person becomes eighteen (18) years of age all records relating to such denial maintained by the court in which the conviction or adjudication occurred and by the department of safety shall be expunged and the driving record maintained by the department of safety on such person shall not reflect that such a denial of driving privileges occurred.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved to adopt Amendment No. 1, as amended, which motion prevailed.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

**Amendment No. 2**

Amend House Bill No. 1422 by deleting from Sections 2 and 3 the language "younger than twenty-one (21) years of age but eighteen (18) years of age or older" added by House Judiciary Committee Amendment No. 1.

On motion, Amendment No. 2 was adopted.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 2 as follows:

Amendment No. 3

Amend House Bill No. 1422 by adding the following new section immediately preceding the severability section and by renumbering subsequent sections accordingly:

Section \_\_\_\_\_. Notwithstanding any provision of this act or law to the contrary, the first one million five hundred thousand dollars (\$1,500,000) of revenue generated pursuant to the provisions of this act shall be deposited in the state general fund and earmarked and allocated to the district attorney's general conference.

On motion, Amendment No. 3 was adopted.

Rep. Clark moved to amend as follows:

Amendment No. 4

Amend House Bill No. 1422 by designating the existing language of SECTION 2 as subsection (a) and by adding the following new subsection (b):

(b) The provisions of this act shall not apply to a person adjudicated or convicted of the possession of a controlled substance unless such person was operating a motor vehicle at the time the offense occurred.

Rep. Gunnels moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes. . . . .	39
Noes. . . . .	52

Representatives voting aye were: Allen, Anderson, Bittle, Byrd, Chiles, Coffey, Curlee, Davis (Knox), Duer, Ferguson, Gunnels, Halteman, Hargrove, Haun, Hill, Holcomb, Hubbard, Joyce, Kisber, Knight, McAfee, McDaniel, McKee, Meyer, Moore, Niceley, Nuber, Phillips, Pinion, Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Venable, Walley, Williams (Union), Wood -- 39.

Representatives voting no were: Armstrong, Arriola, Bell, Bivens, Bragg, Buck, Callicott, Chumney, Clark, Cole, Collier, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), DeBerry, Fowlkes, Givens, Haley, Harrill, Hassell, Head, Herron, Hillis, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, King, Liles, Love, Odom, Peroulas Draper, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Tindell, Turner (Hamilton), Turner (Shelby), West, Whitson, Williams (Shelby), Windle, Winningham -- 52.

Thereupon, Rep. Clark renewed the motion to adopt Amendment No. 4. After further discussion, Rep. Clark moved that **Amendment No. 4** be withdrawn, which motion prevailed.

Rep. Joyce moved that House Bill No. 1422 be passed on third and final consideration.

Rep. Peroulas Draper moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	73
Noes. . . . .	14
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Bivens, Byrd, Callicott, Chiles, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Halteman, Hargrove, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Kent, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tullos, Turner (Hamilton), Venable, Walley, West, Williams (Union), Windle, Winingham, Wood -- 73.

Representatives voting no were: Armstrong, Buck, Chumney, Clark, DeBerry, Givens, Harrill, Herron, Jackson, Kernell, Tindell, Turner (Shelby), Williams (Shelby), Wix -- 14.

Representatives present and not voting were: Arriola, Bragg, King -- 3.

Thereupon, Rep. Joyce moved that **House Bill No. 1422**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	4
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley,

**THURSDAY, MARCH 19, 1992 -- SEVENTY-THIRD LEGISLATIVE DAY**

West, Whitson, Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Buck, Fowlkes, Turner (Shelby), Williams (Shelby) -- 4.

Representatives present and not voting were: Armstrong, Robinson (Hamilton) -- 2.

A motion to reconsider was tabled.

**House Bill No. 2198** -- Retail Installment Sales -- Authorizes delinquency charge not to exceed \$5.00 on credit cards (retail charge agreements); provides charge can be collected only once for same default. Amends TCA, Title 47, Ch. 11.

Further consideration of House Bill No. 2198, previously considered on March 16, 1992, at which time it was reset to the Calendar for March 19, 1992.

Rep. Rhinehart moved that House Bill No. 2198 be passed on third and final consideration.

Rep. Rhinehart moved to amend as follows:

**Amendment No. 1**

AMEND House Bill No. 2198 by deleting in its entirety all the language following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 47-11-103, is amended by adding a new subsection (i) as follows:

(i) A retail installment contract may provide for payment by the buyer of a delinquency charge on any installment which is not paid within ten (10) days from the date the payment is due. Such charge may not exceed the greater of five dollars (\$5.00) or five percent (5%) of the unpaid installment, and shall not be collected more than once for the same default. A delinquency charge authorized by this section shall not be deemed to be time price differential, interest, or any other type of finance charge and shall not be included in determining whether any limitations on time price differential, interest, or other finance charges have been exceeded.

SECTION 2. Tennessee Code Annotated, Section 47-11-104, is amended by adding a new subsection (d) as follows:

(d) A retail charge agreement may provide for

payment by the buyer of a delinquency charge on any installment which is not paid within ten (10) days from the date the payment is due. Such charge may not exceed the greater of five dollars (\$5.00) or five percent (5%) of the unpaid installment, and shall not be collected more than once for the same default. A delinquency charge authorized by this section shall not be deemed to be time price differential, interest, or any other type of finance charge and shall not be included in determining whether any limitations on time price differential, interest, or other finance charges have been exceeded.

SECTION 3. This act shall take effect July 1, 1992, the public welfare requiring it.

Rep. Odom moved that House Bill No. 2198 be re-referred to Consumer and Employee Affairs Committee.

Rep. Rhinehart moved to table the motion to re-refer, which motion prevailed by the following vote:

Ayes. . . . .	56
Noes. . . . .	33
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bivens, Bragg, Byrd, Cole, Collier, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Gunnels, Haley, Hargrove, Harrill, Haun, Head, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Liles, McDaniel, McKee, Moore, Napier, Nuber, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Tullos, Turner (Shelby), Venable, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Arriola, Buck, Callicott, Chiles, Chumney, Clark, Crain, Cross, Givens, Halteman, Hassell, Herron, Hill, Holcomb, Jackson, Jones U (Shelby), King, Love, McAfee, Meyer, Niceley, Odom, Phillips, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Walley, West, Windle, Wood -- 33.

Representatives present and not voting were: Knight -- 1.

#### REQUEST TO CHANGE VOTE

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to aye on the tabling motion to re-refer House Bill No. 2198 to Committee and have this statement entered in the Journal.

Rep. H. E. Bittle

REGULAR CALENDAR, CONTINUED

Thereupon, Rep. Rhinehart renewed the motion to adopt Amendment No. 1.

Rep. Allen moved the previous question, which motion prevailed.

Thereupon, Rep. Rhinehart renewed the motion to adopt Amendment No. 1, which motion prevailed by the following vote:

Ayes. . . . .	56
Noes. . . . .	34
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Bell, Bivens, Bragg, Byrd, Cole, Collier, Curlee, Davidson, Davis (Cocke), Davis (Knox), Duer, Fowlkes, Garrett, Gunnels, Haley, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Joyce, Kent, Kernell, Kisber, Knight, Liles, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Peroulas, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Tullis, Turner (Shelby), Venable, Whitson, Williams (Shelby), Wood, Mr. Speaker Naifeh -- 56.

Representatives voting no were: Armstrong, Buck, Callicott, Chiles, Chumney, Clark, Copeland, Crain, Cross, Davis (Gibson), DeBerry, Ferguson, Givens, Halteman, Herron, Holcomb, Jackson, Jones U (Shelby), Love, McAfee, Niceley, Odom, Phillips, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Walley, West, Williams (Union), Windle, Winningham -- 34.

Representatives present and not voting were: Arriola, Bittle, Jones R (Shelby) -- 3.

Rep. Odom moved to amend as follows:

Amendment No. 2

AMEND House Bill No. 2198 by adding the following language at the end of the new amendatory subsection (i) of Section 1, as amended by House Commerce Committee Amendment:

If the time price differential charged on the outstanding balance under the retail installment contract exceeds an amount which is equivalent to more than six (6) percentage points above the prime loan rate for the most recent week for which such an average rate has been published by the board of governors of the Federal Reserve System of the United States, then no delinquency charge authorized pursuant to this subsection shall be charged.

AND FURTHER AMEND by adding the following language at the end of the new amendatory subsection (d) of Section 2, as amended by House Commerce Committee Amendment:



If the time price differential charged on the outstanding balance under the retail charge agreement exceeds an amount which is equivalent to more than six (6) percentage points above the prime loan rate for the most recent week for which such an average rate has been published by the board of governors of the Federal Reserve System of the United States, then no delinquency charge authorized pursuant to this subsection shall be charged.

Rep. Rhinehart moved that Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	50
Noes. . . . .	42

Representatives voting aye were: Allen, Anderson, Bell, Bivens, Bragg, Byrd, Cole, Collier, Curlee, Davidson, Davis (Knox), Duer, Fowlkes, Garrett, Gunnels, Haley, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Kent, Kisber, Liles, McDaniel, McKee, Moore, Napier, Nuber, Peroulas Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Washington), Severance, Tullos, Turner (Shelby), Venable, Whitson, Williams (Shelby), Mr. Speaker Naifeh -- 50.

Representatives voting no were: Armstrong, Arriola, Bittle, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Copeland, Crain, Cross, Davis (Gibson), DeBerry, Ferguson, Givens, Halteman, Hassell, Herron, Holcomb, Jackson, Jones U (Shelby), Joyce, Kernell, King, Knight, Love, Meyer, Niceley, Odom, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Walley, West, Williams (Union), Windle, Winningham, Wood -- 42.

Rep. R. Jones moved to amend as follows:

### Amendment No. 3

AMEND House Bill No. 2198 by deleting from Section 1 as amended by House Commerce Committee Amendment No. 1 the following:

"the greater of five dollars (\$5.00) or"

AND FURTHER AMEND by deleting from Section 2 as amended by House Commerce Committee Amendment No. 1 the following:

"the greater of five dollars (\$5.00) or"

On motion, Amendment No. 3 was adopted by the following vote:

Ayes. . . . .	45
Noes. . . . .	43
Present and not voting. . . . .	2

Representatives voting aye were: Armstrong, Bivens, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Crain, Cross, DeBerry, Ferguson, Fowlkes, Givens, Haley, Hassell, Herron, Holcomb, Holt, Hubbard, Jackson, Johnson, Jones R (Shelby), Joyce, Kernell, King, Kisber, Knight, McAfee, Niceley, Purcell, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Shirley, Sipes, Tindell, Tullos, Turner (Shelby), Venable, Walley, Williams (Shelby), Windle, Winningham, Wood -- 45.

Representatives voting no were: Allen, Anderson, Arriola, Bell, Bittle, Bragg, Cole, Curlee, Davidson, Davis (Cocke), Davis (Knox), Duer, Garrett, Gunnels, Haltzman, Hargrove, Harrill, Haun, Head, Hill, Hillis, Huskey, Kent, Liles, Love, McDaniel, McKee, Meyer, Moore, Napier, Nuber, Peroulas Draper, Rhinehart, Rigsby, Rinks, Robinson (Washington), Severance, Stamps, Turner (Hamilton), West, Whitson, Williams (Union), Wix -- 43.

Representatives present and not voting were: Collier, Odom -- 2.

Rep. Meyer moved to amend as follows:

#### Amendment No. 4

Amend House Bill No. 2198 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 47-11-104, is amended by adding the following new subsection:

( ) If a person has a retail charge agreement and pursuant to such agreement such person pays the account at least ten (10) days before the due date, such person is entitled to a five percent (5%) discount of the amount paid.

Rep. Nuber moved that Amendment No. 4 be tabled, which motion prevailed by the following vote:

Ayes. . . . .	54
Noes. . . . .	36

Representatives voting aye were: Allen, Anderson, Arriola, Bell, Bittle, Bivens, Byrd, Coffey, Cole, Collier, Curlee, Davidson, Davis (Cocke), Duer, Ferguson, Garrett, Gunnels, Haley, Hargrove, Harrill, Hassell, Head, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, McDaniel, McKee, Moore, Napier, Nuber, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Tullos, Turner (Shelby), Venable, Whitson, Williams (Shelby), Winningham, Wix -- 54.

Representatives voting no were: Armstrong, Buck, Callicott, Chiles, Chumney, Clark, Copeland, Crain, Cross, Davis (Gibson), DeBerry, Fowlkes, Givens, Halteman, Haun, Herron, Hill, Holcomb, Jackson, Kernell, McAfee, Meyer, Niceley, Odom, Peroulas Draper, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Walley, West, Williams (Union), Windle, Wood -- 36.

Rep. Bragg moved that **Amendment No. 5** be withdrawn, which motion prevailed.

Rep. Rhinehart moved that House Bill No. 2198 be passed on third and final consideration.

Rep. Nuber moved the previous question, which motion prevailed by the following vote:

Ayes. . . . .	63
Noes. . . . .	27
Present and not voting. . . . .	1

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Byrd, Clark, Cole, Collier, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Garrett, Gunnels, Haley, Hargrove, Harrill, Hassell, Head, Hill, Hillis, Holt, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, King, Kisber, Knight, Liles, McAfee, McDaniel, McKee, Moore, Napier, Niceley, Nuber, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tullos, Turner (Shelby), Venable, Walley, Whitson, Williams (Union), Winningham, Wix -- 63.

Representatives voting no were: Arriola, Callicott, Chiles, Chumney, Coffey, Copeland, Crain, DeBerry, Duer, Ferguson, Fowlkes, Givens, Halteman, Haun, Herron, Holcomb, Hubbard, Jackson, Kernell, Meyer, Odom, Stamps, Tindell, Turner (Hamilton), West, Williams (Shelby), Windle -- 27.

Representatives present and not voting were: Love -- 1.

Thereupon, Rep. Rhinehart moved that **House Bill No. 2198**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	54
Noes. . . . .	40

Representatives voting aye were: Allen, Anderson, Bell, Bittle, Bivens, Bragg, Byrd, Collier, Curlee, Davidson, Davis (Cocke), Davis (Knox), Fowlkes, Garrett, Gunnels, Haley, Hargrove, Harrill, Haun, Head, Hill, Hillis, Holt, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, McDaniel, McKee, Moore, Napier, Nuber, Peroulas Draper, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson

(Washington), Severance, Tullos, Turner (Shelby), Whitson, Williams (Shelby), Wix, Wood, Mr. Speaker Naifeh -- 54.

Representatives voting no were: Armstrong, Arriola, Buck, Callicott, Chiles, Chumney, Clark, Coffey, Copeland, Crain, Cross, Davis (Gibson), DeBerry, Duer, Ferguson, Givens, Halteman, Hassell, Herron, Holcomb, Hubbard, Jackson, Jones U (Shelby), Love, McAfee, Meyer, Niceley, Odom, Robinson (Davidson), Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Venable, Walley, West, Williams (Union), Windle, Winningham -- 40.

A motion to reconsider was tabled.

**\*House Bill No. 1955** -- Transportation, Dept. of -- Establishes criteria for selecting truck weight and inspection sites. Amends TCA, Title 55, Ch. 7; Title 65, Ch. 15.

Further consideration of House Bill No. 1955, previously considered on March 16, 1992, at which time the House adopted Amendment No. 1, the motion was made to adopt Amendment No. 2, and it was reset to the Calendar for March 19, 1992.

Thereupon, Rep. Holcomb renewed the motion to adopt Amendment No. 2.

#### **Amendment No. 2**

Amend House Bill No. 1955 by adding the following as a new Section 2 and by renumbering the existing Section 2 of the printed bill accordingly:

**SECTION 2.** The provisions of this act shall be retroactive to the extent necessary to apply to any site at which commencement of construction has not actually begun.

Rep. Robinson (Davidson) moved that Amendment No. 2 be tabled, which motion he then withdrew.

Rep. Holcomb moved that Amendment No. 2 be withdrawn, which motion prevailed.

Rep. Holcomb moved that House Bill No. 1955, as amended, be passed on third and final consideration.

Rep. Haun moved that House Bill No. 1955 be re-referred to the Transportation Committee.

Rep. Holcomb moved to table the motion to re-refer House Bill No. 1955, which motion failed by the following vote:

Ayes. . . . .	35
Noes. . . . .	39
Present and not voting. . . . .	9

Representatives voting aye were: Arriola, Bivens, Buck, Callicott, Chumney, Coffey, DeBerry, Ferguson, Fowlkes, Givens, Haley, Halteman, Hassell, Head, Hillis, Holcomb, Hubbard, Kernell, King, Knight, Liles, McKee, Napier, Niceley, Shirley, Stamps, Tullos, Turner (Shelby), Venable, West, Williams (Shelby), Williams (Union), Winningham, Wix, Wood -- 35.

Representatives voting no were: Allen, Anderson, Armstrong, Bell, Bragg, Byrd, Chiles, Cole, Collier, Crain, Cross, Davis (Cocke), Davis (Gibson), Hargrove, Haun, Herron, Hill, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kisber, Love, McDaniel, Meyer, Peroulas Draper, Phillips, Purcell, Rhinehart, Ridgeway, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Walley, Windle -- 39.

Representatives present and not voting were: Gunnels, Harrill, Jones U (Shelby), Odom, Rigsby, Rinks, Sipes, Tindell, Whitson -- 9.

Thereupon, Rep. Haun renewed the motion to re-refer **House Bill No. 1955, as amended**, to the Transportation Committee, which motion prevailed by the following vote:

Ayes. . . . .	50
Noes. . . . .	31
Present and not voting. . . . .	4

Representatives voting aye were: Anderson, Armstrong, Arriola, Bell, Bragg, Byrd, Chiles, Chumney, Collier, Copeland, Crain, Cross, Davis (Cocke), Davis (Gibson), DeBerry, Ferguson, Garrett, Haun, Herron, Hill, Holt, Huskey, Jackson, Johnson, Jones R (Shelby), Kent, Kisber, Love, McAfee, McDaniel, Meyer, Moore, Napier, Odom, Phillips, Purcell, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Sipes, Tullos, Turner (Hamilton), Whitson, Windle, Wix, Mr. Speaker Naifeh -- 50.

Representatives voting no were: Bivens, Callicott, Coffey, Davidson, Davis (Knox), Duer, Fowlkes, Givens, Haley, Halteman, Harrill, Head, Hillis, Holcomb, Hubbard, Jones U (Shelby), Joyce, Kernell, King, Knight, Liles, Niceley, Rhinehart, Stamps, Venable, Walley, West, Williams (Shelby), Williams (Union), Winningham, Wood -- 31.

Representatives present and not voting were: Allen, McKee, Tindell, Turner (Shelby) -- 4.

#### CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

**House Bill No. 2190** -- County Government -- Specifies which district is applicable in event of adoption of county reapportionment plan between election and occurrence of vacancy. Amends TCA 5-1-104.

Rep. Rhinehart moved that **House Bill No. 2190** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	85
Noes. . . . .	5

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Hargrove, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Napier, Niceley, Peroulas Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 85.

Representatives voting no were: Arriola, Callicott, Halteman, Harrill, Stamps -- 5.

A motion to reconsider was tabled.

**House Bill No. 2251** -- Taxes, Alcoholic Beverages -- Removes obligation to place identification stamp on alcoholic beverage containers; requires retailer to possess tax documentation; sets criteria for contraband. Amends TCA, Title 57.

On motion, **House Bill No. 2251** was made to conform with **Senate Bill No. 1987**.

On motion, **Senate Bill No. 1987**, on same subject, was substituted for **House Bill No. 2251**.

Rep. Rhinehart moved that **Senate Bill No. 1987** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	80
Noes. . . . .	5
Present and not voting. . . . .	5

Representatives voting aye were: Allen, Anderson, Armstrong,

**THURSDAY, MARCH 19, 1992 -- SEVENTY-THIRD LEGISLATIVE DAY**

Arriola, Bell, Bittle, Bivens, Bragg, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Odom, Peroulas, Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Hamilton), Robinson (Washington), Severance, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 80.

Representatives voting no were: Haley, Holcomb, Joyce, Robinson (Davidson), Tullos -- 5.

Representatives present and not voting were: Buck, Herron, Jackson, Sipes, Windle -- 5.

A motion to reconsider was tabled.

**REQUEST TO CHANGE VOTE**

MR. SPEAKER: Pursuant to Rule No. 31, I wish to express a desire to change my original stand from not voting to no on Senate Bill No. 1987 and have this statement entered in the Journal.

Rep. Randy Stamps

**REGULAR CALENDAR, CONTINUED**

**House Bill No. 1992** -- Correction, Dept. of -- Prohibits management level employee from working as private prison contractor working for state for three years after termination of state service. Amends TCA, Title 41, Ch. 24.

Rep. Rhinehart moved that House Bill No. 1992 be reset to the Calendar for Wednesday, March 25, 1992, which motion prevailed.

**House Bill No. 1721** -- Police -- Authorizes inclusion of time in active military duty for calculation of required eight month service time for eligibility for police pay supplement. Amends TCA, Title 38, Ch. 8, Pt. 1.

On motion, House Bill No. 1721 was made to conform with Senate Bill No. 1758.

On motion, **Senate Bill No. 1758**, on same subject, was substituted for House Bill No. 1721.

Rep. Kent moved that **Senate Bill No. 1758** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	92
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 92.

A motion to reconsider was tabled.

House Bill No. 1937 — Drugs — Allows Lenoir City to use for equipment for police department 50 percent of funds dedicated for drug enforcement program, subject to approval of city council. Amends TCA 39-17-420.

Rep. Gunnels moved that House Bill No. 1937 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	94
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh — 94.

A motion to reconsider was tabled.

House Bill No. 2161 — Insurance, Health, Accident — Allows insurers to offer pet medical insurance, provided services provided



**THURSDAY, MARCH 19, 1992 -- SEVENTY-THIRD LEGISLATIVE DAY**

by veterinarian. Policy must clearly disclose annual premium and benefits. Amends TCA, Title 56, Ch. 7.

On motion, House Bill No. 2161 was made to conform with Senate Bill No. 1733.

On motion, **Senate Bill No. 1733**, on same subject, was substituted for House Bill No. 2161.

Rep. Gunnels moved that **Senate Bill No. 1733** be passed on third and final consideration.

Rep. Bivens moved the previous question, which motion prevailed.

Rep. Gunnels moved that **Senate Bill No. 1733** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	73
Noes. . . . .	10
Present and not voting. . . . .	5

Representatives voting aye were: Allen, Anderson, Armstrong, Bell, Bittle, Bivens, Buck, Callicott, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Curlee, Davidson, Davis (Gibson), Davis (Knox), Duer, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Herron, Hill, Hillis, Holcomb, Holt, Hubbard, Johnson, Joyce, Kent, Kernell, Kisber, Liles, McAfee, McDaniel, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Washington), Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Winningham, Wix, Wood, Mr. Speaker Naifeh -- 73.

Representatives voting no were: Bragg, Byrd, DeBerry, Ferguson, Jackson, Jones R (Shelby), McKee, Robinson (Davidson), Robinson (Hamilton), Severance -- 10.

Representatives present and not voting were: King, Knight, Love, Turner (Shelby), Windle -- 5.

A motion to reconsider was tabled.

**House Bill No. 2333** -- DUI/DWI Offenses -- Allows judge in Davidson County to sentence person convicted of DUI for first time to perform 200 hours of public service work in a supervised program in lieu of mandatory minimum period of confinement. Amends TCA, Title 55, Ch. 10, Pt. 4.

Rep. Robinson (Davidson) moved that **House Bill No. 2333** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	3
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Halteman, Hargrove, Hassell, Haun, Head, Hill, Hillis, Holt, Hubbard, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Harrill, Holcomb, Jackson -- 3.

Representatives present and not voting were: Callicott, Haley -- 2.

A motion to reconsider was tabled.

**\*House Bill No. 1889 -- Criminal Procedure --** Permits court to require defendant whose judgment includes fine, cost or restitution to secure such with bond; permits defendant's parent, guardian or other responsible party to serve as surety. Amends TCA, Title 40, Ch. 11.

Rep. Buck moved that House Bill No. 1889 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

#### Amendment No. 1

AMEND House Bill No. 1889 by adding the following to the end of the amendatory language of SECTION 1:

However, notwithstanding any other provision of law to the contrary, unless the surety executes a bond or agreement which specifically makes the surety liable for the fine, cost, or restitution, no surety shall be held liable therefor without the surety's consent.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. Buck moved that **House Bill No. 1889**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	3
Present and not voting. . . . .	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tullis, Turner (Hamilton), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Callicott, Jones R (Shelby), Wix -- 3.

Representatives present and not voting were: Head, Turner (Shelby) -- 2.

A motion to reconsider was tabled.

**House Bill No. 1764** -- Drugs -- Provides that claimant who prevails at hearing for return of property seized under drug laws not responsible for payment of expenses incurred in storage and transportation of such property. Amends TCA, Title 53, Ch. 11.

Rep. Buck moved that House Bill No. 1764 be reset to the Calendar for Wednesday, March 25, 1992, which motion prevailed.

**House Bill No. 2694** -- Sunset Laws -- Sequatchie Valley planning and development agency, June 30, 2000. Amends TCA, Title 4, Ch. 29; Title 64, Ch. 1.

Rep. King moved that House Bill No. 2694 be passed on third and final consideration.

Rep. King moved to amend as follows:

#### Amendment No. 1

Amend House Bill No. 2694 by adding the following new sections to precede the effective date section:

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-501(b), is amended by adding the word and comma "Marion," after the word "Rhea".

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-502(a)(1), is amended by adding the word and comma "Marion," after the word "Rhea".

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-502(a)(3), is amended by deleting the word and figure "three (3)" which appear in both sentences and inserting instead the word and figure "five (5)".

Section \_\_\_\_\_. Tennessee Code Annotated, Section 64-1-506 is amended by deleting the word and figure "four (4)" and inserting instead the word and figure "five (5)".

Section \_\_\_\_\_. If any provision of this act or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the Act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that House Bill No. 2694, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	88
Noes. . . . .	0
Present and not voting. . . . .	3

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Clark, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives present and not voting were: Chumney, Sipes, Walley -- 3.

A motion to reconsider was tabled.

**House Bill No. 2695** -- Sunset Laws -- Tennessee victims coalition, June 30, 2000. Amends TCA, Title 4, Chs. 29, 41.

Rep. King moved that House Bill No. 2695 be passed on third and final consideration.

Rep. King moved adoption of Government Operations Committee Amendment No. 1 as follows:

**Amendment No. 1**

AMEND House Bill No. 2695 by deleting Section 2 in its entirety and by substituting instead the following new Section 2:

SECTION 2. Tennessee Code Annotated, Section 4-29-217(a), is amended by adding a new item thereto, as follows:

( ) Tennessee victims coalition, created by § 4-41-101;

On motion, Amendment No. 1 was adopted.

Thereupon, Rep. King moved that **House Bill No. 2695**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes. . . . .	93
Noes. . . . .	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Odom, Peroulas, Draper, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE

March 19, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 405 and 406; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

Senate Joint Resolution No. 0405 -- Memorials, Public Service -- Neal Joseph Harris. by \*Atchley, \*Gilbert, \*Koella, Lawson, Patten.

Senate Joint Resolution No. 0406 -- Memorials, Recognition and Thanks -- Dolly D. Gerregano. by \*Ford.

RULES SUSPENDED

Rep. Armstrong moved that the rules be suspended for the immediate consideration of Senate Joint Resolution No. 405 out of order, which motion prevailed.

Senate Joint Resolution No. 0405 -- Memorials, Public Service -- Joseph Harris.

On motion, the rules were suspended for the immediate concurrence in the resolution.

On motion of Rep. Armstrong, the resolution was concurred in.

A motion to reconsider was tabled.

HOUSE BILL REFERRED

Rep. Purcell moved that House Bill No. 2450 be recalled from the Calendar and Rules Committee and re-referred to the Education Committee, which motion prevailed.

RULES SUSPENDED

BILL RECALLED

Rep. Chumney moved that the rules be suspended for the purpose of recalling Senate Joint Resolution No. 361 from the State and Local Government Committee for immediate consideration, which motion prevailed.

Senate Joint Resolution No. 361 -- Naming and Designating -- Women's History Month, March.

On motion, the rules were suspended for the immediate

concurrence in the resolution.

On motion of Rep. Chumney, the resolution was concurred in.

A motion to reconsider was tabled.

**CHAIR TO SPEAKER**

Mr. Speaker Naifeh resumed the Chair.

**SPONSORS ADDED**

Without objection, the rules were suspended to allow the following members to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Bill No. 874:** Rep(s). Severance as prime sponsor(s).

**House Bill No. 1721:** Rep(s). Byrd, Hassell, Herron, Joyce, Shirley and Turner L. (Shelby) as prime sponsor(s).

**House Bill No. 1764:** Rep(s). Armstrong and Givens as prime sponsor(s).

**House Bill No. 1889:** Rep(s). Hargrove as prime sponsor(s).

**House Bill No. 1953:** Rep(s). Walley as prime sponsor(s).

**House Bill No. 2066:** Rep(s). Nuber, Odom and Jackson as prime sponsor(s).

**House Bill No. 2154:** Rep(s). Crain as prime sponsor(s).

**House Bill No. 2333:** Rep(s). Love as prime sponsor(s).

**House Bill No. 2385:** Rep(s). Rhinehart as prime sponsor(s).

**House Bill No. 2603:** Rep(s). Chiles and Nuber as prime sponsor(s).

**House Bill No. 2672:** Rep(s). Purcell as prime sponsor(s).

**SPONSORS REMOVED**

On motion, Rep. Kernell was removed as sponsor of House Bill No. 1085.

**INTRODUCTION OF RESOLUTIONS**

On motion, the resolution(s) listed was/were introduced and referred as noted:

**THURSDAY, MARCH 19, 1992 -- SEVENTY-THIRD LEGISLATIVE DAY**

**House Resolution No. 0171** -- Memorials, Personal Occasion -- Hillary Michelle Hedrick, birth. by \*Kent.

Referred by the Speaker to the Calendar and Rules Committee.

**\*House Joint Resolution No. 0575** -- General Assembly, Directed Studies -- Urges department of mental health and mental retardation to establish study group to investigate feasibility of establishing certification program for staff of community mental retardation programs. by \*Bivens, \*Herron, \*Sipes, \*Williams K, \*Kernell, \*Pinion, \*Holcomb, \*Robinson Ruth, \*Givens, \*Cross, \*Rhinehart \*Robinson (Davidson).

Referred by the Speaker to the Health and Human Resources Committee.

**House Joint Resolution No. 0576** -- Memorials, Congratulations -- Eakin Elementary School. by \*Halteman.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0577** -- Memorials, Death -- Charles J. Powell, Blount County executive. by \*Anderson, \*Huskey.

Referred by the Speaker to the Calendar and Rules Committee.

**House Joint Resolution No. 0578** -- Memorials, Sports -- Lauderdale Middle School, TNT Tournament champions. by \*Crain.

Referred by the Speaker to the Calendar and Rules Committee.

### **INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 2785** -- Drugs -- Requires department of safety to monitor DARE programs to ensure that instructors are qualified and curriculum implemented by state board of education. Amends TCA, Title 49, Ch. 1, Pt. 4.

Passed first consideration.

**House Bill No. 2811** -- Carter County -- Establishes minimum development standards for mobile homes. by \*Cole, \*Whitson.

Passed first consideration.

### **REPORT OF DELAYED BILLS COMMITTEE March 19, 1992**

Pursuant to **Rule No. 78**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 2787 and 2789.



We further agree that House Bill No. 2809 be recalled from the Delayed Bills Committee for treatment as a local bill.

Jimmy Naifeh, Speaker  
Bill Purcell  
John Chiles

**SENATE BILLS TRANSMITTED**

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk as noted:

**Senate Bill No. 1968** -- Courts, Supreme Court of Tennessee -- Repeals in personam jurisdiction of chancery courts and written instruments executed by person being conclusive evidence against such person, unless denied under oath, because superseded by Supreme Court Rules. Repeals TCA 16-11-203, 24-5-104. (HB 1975):

Held pending third consideration of companion House Bill.

**\*Senate Bill No. 2268** -- Real Property -- Terminates certain restrictive covenants when certain specified circumstances exist. Amends TCA, Titles 13, 66. (HB 2093).

Held pending third consideration of companion House Bill.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred to committee or held on the Clerk's desk as noted:

**House Bill No. 2808** -- Carter County -- Passed second consideration and held on Clerk's desk pending approval by local delegation.

**\*House Bill No. 2810** -- Decherd -- Changes name from "Town of Decherd" to "City of Decherd". Amends Chapter 318, Acts of 2901, as amended.

**REPORT OF CHIEF ENGROSSING CLERK  
March 19, 1992**

**MR. SPEAKER:** Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Bill(s) No(s). 2252, 2311 and 2317; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**

**March 19, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution(s) No(s). 582 and 583; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**MESSAGE FROM THE SENATE**

**March 19, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 573 and 579; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**MESSAGE FROM THE SENATE**

**March 19, 1992**

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 540; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**ENROLLED BILLS**

**March 19, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Joint Resolution(s) No(s). 573 and 579; and find same correctly enrolled and ready for the signatures of the Speakers.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**SIGNED**

**March 19, 1992**

The Speaker announced that he had signed the following: House Joint Resolution(s) No(s). 573 and 579.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 19, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 456, 457, 556, 559, 560, 561, 562 and 563; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

March 19, 1992

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 582 and 583; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

MESSAGE FROM THE SENATE

March 19, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 370 and 396; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Joint Resolution No. 0370** -- General Assembly, Directed Studies -- Directs comptroller of the treasury to study utility districts and extent to which modifications are needed to ensure highest degree of efficiency, effectiveness and public accountability. by \*Crowe.

**Senate Joint Resolution No. 0396** -- Memorials, Personal Achievement -- Trenton Elementary School Odyssey of the Mind Team. by \*McKnight.

MESSAGE FROM THE SENATE

March 19, 1992

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1708, 1757, 1863, 2327, 2416 and 2528; passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**\*Senate Bill No. 0396** -- Fire Prevention and Investigation -- Reduces liability of insurance agency for providing certain oral or written information supplied to fire officials in suspected arson cases. Amends TCA 68-17-115.

**\*Senate Bill No. 1757** -- Drug and Alcohol Rehabilitation -- Authorizes Department of Correction to establish drug treatment programs for those persons convicted of a crime, such persons required to pay for treatment based on sliding scale. Amends TCA, Title 41. by \*Cohen.

**\*Senate Bill No. 1863** -- Sunset Laws -- Tennessee state racing commission, June 30, 2001. Amends TCA, Title 4, Chs. 29, 36. by \*Hicks.

**\*Senate Bill No. 2327** -- Housing -- Authorizes state to match local funds to deliver human resources without having specific allocation in General Appropriations Act. Amends TCA, Title 13, Ch. 26. by \*Wilder, McKnight.

**\*Senate Bill No. 2416** -- Budget Procedures -- Authorizes appropriations from natural resources trust fund for Tennessee Flora Project. Amends TCA, Title 11, Ch. 14. by \*Cohen.

**\*Senate Bill No. 2528** -- Revenue, Dept. of -- Increases amount of penalties and refunds which can be authorized by commissioner or designee. Amends TCA 67-1-803, 67-1-1802. by \*Darnell.

**MESSAGE FROM THE SENATE**  
**March 19, 1992**

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2780, 2781, 2782, 2784, 2790, 2791, 2792, 2793, 2797 and 2798; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,  
Chief Clerk.

**REPORT OF CHIEF ENGROSSING CLERK**  
**March 19, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have transmitted to the Governor the following: House Joint Resolution(s) No(s). 573 and 579; for his action.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

**ENGROSSED BILLS**  
**March 19, 1992**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1422; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

ENGROSSED BILLS

March 19, 1992

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bill(s) No(s). 1889, 1937, 2190, 2198, 2333, 2694 and 2695; and find same correctly engrossed and ready for transmission to the Senate.

BETTY KAY FRANCIS,  
Chief Engrossing Clerk.

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

March 19, 1992

In accordance with Rule No. 48, the following local bill(s), having received authorization for passage by the local legislative delegation, was/were transmitted to the Calendar and Rules Committee: House Bill(s) No(s). 2260, 2808 and 2810.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

March 19, 1992

MR. SPEAKER: The officers of your Calendar and Rules Committee report that we have set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, March 23, 1992: House Resolution(s) No(s). 171; House Bill No(s). 2260, 2808 and 2810; also House Joint Resolution(s) No(s). 576, 577 and 578.

PHILLIPS, Chair.

ROLL CALL

The roll call was taken with the following results:

Present . . . . . 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bivens, Bragg, Buck, Byrd, Callicott, Chiles, Chumney, Clark, Coffey, Cole, Collier, Copeland, Crain, Cross, Curlee, Davidson, Davis (Cocke), Davis (Gibson), Davis (Knox), DeBerry, Duer, Ferguson, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Hargrove, Harrill, Hassell, Haun, Head, Hill, Hillis, Holcomb, Holt, Hubbard, Huskey, Jackson, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, King, Kisber, Liles, Love, McAfee, McDaniel, McKee, Meyer, Moore, Napier, Niceley, Nuber, Odom, Peroulas Draper, Phillips, Pinion, Purcell, Rhinehart, Ridgeway, Rigby, Rinks, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Sipes, Stamps, Tindell, Tulos, Turner (Hamilton), Turner (Shelby), Venable, Walley, West, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

**THURSDAY, MARCH 19, 1992 -- SEVENTY-THIRD LEGISLATIVE DAY**

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, March 23, 1992.